

ROBERT C. SCHUBERT S.B.N. 62684  
WILLEM F. JONCKHEER S.B.N. 178748  
SCHUBERT & REED LLP  
Three Embarcadero Center, Suite 1650  
San Francisco, California 94111  
Telephone: (415) 788-4220

PAUL D. WEXLER  
BRAGAR WEXLER & EAGEL, P.C.  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 308-5858

GLENN F. OSTRAGER  
OSTRAGER CHONG FLAHERTY & BROITMAN P.C.  
250 Park Avenue  
New York, New York 10177-0899  
Telephone: (212) 681-0600

*Counsel for Plaintiff Andrew E. Roth*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANDREW E. ROTH, derivatively on behalf of  
BROCADE COMMUNICATIONS  
SYSTEMS, INC.,

Plaintiff,

v.

GREGORY REYES, MICHAEL BYRD,  
ANTONIO CANOVA, JACK CUTHBERT,  
and BROCADE COMMUNICATIONS  
SYSTEMS, INC.,

Defendants.

No. 3:06-cv-2786 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER  
GRANTING PERMISSION TO FILE  
OVERLENGTH CONSOLIDATED  
OPPOSITION BRIEF OF 35 PAGES IN  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS**

WHEREAS, defendant Brocade Communication Systems, Inc. ("Brocade") filed a motion to dismiss the complaint on September 14, 2006, which is set for hearing on December 1, 2006;

WHEREAS, each of the individuals filed separate motions to dismiss on September 25, 2006, which are also set for hearing on December 1, 2006;

WHEREAS, plaintiff's opposition to the five separate motions to dismiss is currently due to be filed on October 23, 2006;

WHEREAS, in the interest of efficiency and economy, and to avoid the filing of multiple opposition briefs, plaintiff requests permission to file one consolidated opposition brief in response to the motions to dismiss, not to exceed 35 pages;

WHEREAS, defendant Brocade and each of the individual defendants has agreed to this request;

THEREFORE, the parties hereby stipulate, and request the Court to order, as follows:

1. In response to the pending motions to dismiss, plaintiff shall file one consolidated opposition brief, not to exceed 35 pages.

Dated: October 18, 2006

SCHUBERT & REED LLP

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT C. SCHUBERT  
WILLEM F. JONCKHEER  
Three Embarcadero Center, Suite 1650  
San Francisco, California 94111  
Telephone: (415) 788-4220

PAUL D. WEXLER  
BRAGAR WEXLER & EAGEL, P.C.  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 308-5858

GLENN F. OSTRAGER  
OSTRAGER CHONG FLAHERTY  
& BROITMAN P.C. LLP  
250 Park Avenue, Suite 825  
New York, New York 10177-0899  
Telephone: (212) 681-0600

*Counsel for Plaintiff Andrew E. Roth*

SCHUBERT & REED LLP  
Three Embarcadero Center, Suite 1650  
San Francisco, CA 94111  
(415) 788-4220

1 Dated: October 19, 2006

WILSON SONSINI GOODRICH & ROSATI

2  
3 \_\_\_\_\_/s/\_\_\_\_\_  
4 NINA F. LOCKER  
5 STEVEN GUGGENHEIM  
6 KATHERINE HENDERSON  
650 Page Mill Road  
Palo Alto, CA 94304

7 *Counsel for Defendant Brocade*  
8 *Communications Systems, Inc.*

9 Dated: October 19, 2006

HELLER EHRMAN LLP

10  
11 \_\_\_\_\_/s/\_\_\_\_\_  
12 Norman J. Blears  
13 275 Middlefield Road  
Menlo Park, CA 94025

14 *Counsel for Defendant Antonio Canova*

15 Dated: October 19, 2006

16 QUINN EMANUEL URQUHART OLIVER &  
17 HEDGES LLP

18 \_\_\_\_\_/s/\_\_\_\_\_  
19 John Potter  
20 50 California Street, 22nd Floor  
San Francisco, CA 94111

21 *Counsel for Defendant Michael Byrd*

22 Dated: October 19, 2006

23 SKADDEN ARPS SLATE MEAGHER &  
24 FLOM LLP

25 \_\_\_\_\_/s/\_\_\_\_\_  
26 Richard Marmaro  
27 Harriet Posner  
300 South Grand Avenue, 34th Floor  
Los Angeles, CA 90071

28 *Counsel for Defendant Gregory Reyes*

1 Dated: October 19, 2006

BECK, DECORSO, DALY, KREINDLER &  
HARRIS

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Mermelstein  
601 West 5th Street, 12th Floor  
Los Angeles, CA 90071

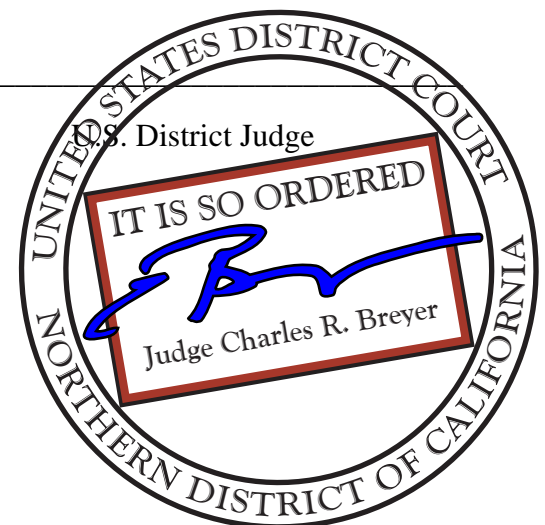
*Counsel for Defendant Jack Cuthbert*

\* \* \*

ORDER

Good cause appearing, it is so ordered.

Dated: October 19, 2006



SCHUBERT & REED LLP  
Three Embarcadero Center, Suite 1650  
San Francisco, CA 94111  
(415) 788-4220

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